

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of the Procedural Rules Governing)	EB Docket No. 17-245
Formal Complaint Proceedings Delegated to the)	
Enforcement Bureau)	

COMMENTS OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC

CenterPoint Energy Houston Electric, LLC (“CEHE”) submits these brief comments on the above-captioned Notice of Proposed Rulemaking (“NPRM”), supporting the positions taken by the Edison Electric Institute (“EEI”). CEHE is an investor-owned utility, and wholly-owned subsidiary of CenterPoint Energy, Inc., a publicly traded company on the New York Stock Exchange under the ticker symbol “CNP.” CEHE provides electric transmission and distribution services in the Texas Gulf Coast area, which includes the city of Houston, and owns and maintains the wires, poles, and electric infrastructure used to serve its 5,000-square-mile electric service territory, all of which are impacted directly or indirectly by the FCC’s pole attachment rules and jurisdiction.

CEHE shares the view that any amendments made to the Commission’s current procedural rules for pole attachment complaints must equitable, and must promote fairness over the objective of expedited dispute resolution. The introduction of discovery as matter of right in pole attachment complaint proceedings undoubtedly *could* enhance the record before the Enforcement Bureau, but as EEI aptly point outs, the facts revealed through discovery are useful only to the extent that each party is provided an opportunity to brief them in post-discovery written submissions. Moreover, to ensure that each party to a pole attachment complaint proceeding is accorded the same opportunity to develop and present its case, the Commission must adopt rules that are symmetrical in terms of the number of permitted discovery requests, the number of written briefs, and the time allotted for

each phase of the overall complaint process. CEHE also supports broader discovery than proposed in the NPRM, to include requests for production, requests for admission, and depositions, as needed.

CEHE also concurs with EEI that accelerated dispute resolution procedures, including the Commission's Accelerated Docket,¹ and the "shot clock" proposed by the Commission earlier this year,² are not appropriate for pole attachment complaints, and in particular, rate-related complaints. Moreover, because the Commission recently proposed an unprecedented shift of the burden of proof in certain complaint cases from complainant to defendant, the proposed procedures would now be more prejudicial than ever to electric utility pole owners.

WHEREFORE, CEHE respectfully requests that the Commission consider these comments, and take actions, or adopt rules and policies consistent with the foregoing.

Respectfully submitted,



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¹ See 47 C.F.R. § 1.736, as proposed in NPRM.

² *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, 32 FCC Rcd 3266, FCC 17-37 (rel. Apr. 21, 2017). CEHE incorporates herein by reference its comments and reply comments addressing the proposed "shot clock" for pole attachment complaints.